

57. The mat described in claim 55 wherein:

said layer of shock absorbing material is comprised of nitrile butadene rubber/vinyl-nitrile elastomeric foam.

*Hari. Abstract  
Case*

58. The mat described in claim 55 wherein:

said intermediate layer reduces stress to the muscles, joints, tendons and ligaments on the body of the exerciser.

*intended  
use  
Case*

59. The mat described in claim 55 wherein:

said bottom layer is comprised of plasticized vinyl coated scrim.

*CL 1,32-35  
Back  
and*

#### REMARKS

Claims 45-59 remain in this case.

Set out below is a concordance showing the relationship of the newly submitted claims to those that were pending and have now been cancelled.

New claim	Cancelled claim
45	1
46	3
47	4
48	5
49	6
50	28
51	29
52	30
53	34
54	36
55	37
56	38
57	39
58	40
59	43

In the Interview Summary of September 10, 2002 the Examiner agreed that cancelled claim 36 overcomes the art of record.

Cancelled claim 36 has been rewritten identically as new claim 54.

Consideration of claim 45 is requested. This claim is similar in many respects to cancelled claim 1.

However, it has been rewritten to more particularly point out and distinctly claim the patentable features of the exercising and sports conditioning mat.

Claim 45 defines a mat which assists in the correct performance of exercise routines including jumping to contribute towards maximizing their benefit while minimizing the likelihood of injury because of the impact of landing after jumping.

The mat comprises three layers. Each of the layers is square and is of the same size. Suitable means are provided for connecting the layers to each other so that a stack is defined.

The uppermost layer in this stack includes a top surface on which the exercising and sports conditioning is performed.

The intermediate layer is comprised of a shock absorbing material having a quick recovery memory. Shock absorption and quick recovery memory are both important in the successful use of the exercising and sports conditioning mat.

A failure to have a shock absorbing material would mean that the likelihood of exercisers being injured would be substantially increased.

The failure to have a quick recovery memory would also contribute to an increased likelihood of injury. This is because during rapid jumping exercises and the like, the mat will be

filled with depressions where the exerciser had stood, rather than having a flat surface.

Finally, the mat includes a bottom layer having a bottom surface which resists sliding on the surface which supports the mat. This feature is important so that the mat will not slide from under an exerciser who would otherwise fall and risk serious injury.

The layers are connected to each other by a hot melt adhesive.

A plurality of indicia are on the top surface. The indicia define a plurality of locations for foot placement before and after jumping routines to assist the exerciser in the correct performance of the exercising routines.

The references cited and applied by the Examiner do not show these features.

As pointed out earlier, they are missing from both Castel and Baldwin. Further, they are not shown in any of the references cited in the fax of January 24, 2003.

It is acknowledged that certain aspects of the structure recited in claim 45 may appear in some of the references.

However, there is no teaching or suggestion in any of them that their features could be combined to attempt to achieve the structure recited in claim 45.

Further, even if such a combination were made, the resulting structure would still not be an exercising mat which is constructed for shock absorption and quick recovery.

Accordingly, it is submitted that claim 45 is allowable.

Consideration of claims 46-48 is requested. These claims are identical to cancelled claims 3-5.

It is submitted that these claims are patentable for substantially the same reasons as their parent claim, claim 45, and further, because they more particularly recite features of the exercising and sports conditioning mat which enable it to achieve its intended purpose. Thus, these claims are specific to particular dimensions of the exercising and sports conditioning mat.

Consideration of claim 49 is requested. This claim is similar to cancelled claim 6. This claim is considered to be patentable for substantially the same reasons as its parent claim, claim 45, and further, because it recites structural features which are not suggested or made obvious by the art of record. In particular, this claim recites that the plurality of indicia on the top surface define inner and outer rectangular

polygons. Further, the polygons are further defined as having a distance across the outer polygon of about 18" and that the distance between the inner and outer rectangular polygon is about the width of the foot of an exerciser.

These dimensions are important because they require particular foot placement during exercising and sport conditioning. The foot placement is necessary to achieve the desired exercising and conditioning results.

Accordingly, claim 49 is considered to be patentable.

Consideration of claims 50 and 53 is requested. These claims are similar to cancelled claims 28 and 34. They recite respectively, the materials from which the top layer and bottom layer are constructed. Claims 50 and 53 are considered to be patentable for substantially the same reasons as their parent claim, claim 45, and further because none of the references of record disclose or suggest the use of a top layer comprised of polyvinyl chloride and a bottom layer comprised of a plasticized vinyl coated scrim in a construction of the type recited in claim 45.

Consideration of claims 51 and 52 is requested. These claims are similar to cancelled claims 29 and 30.

These claims are considered to be patentable for substantially the same reasons as their parent claim, claim 45,

and further, because none of the references disclose or suggest a mat of the type recited in claim 45 where the intermediate layer has both shock absorbing characteristics and a quick recovery memory. These features are accomplished by the structure recited in claims 51 and 52.

Claim 54 was discussed at the beginning of these Remarks.

Consideration of claim 55 is requested. This claim is similar in many respects to cancelled claim 37. However, it has been rewritten in order to more particularly point out and distinctly claim the invention.

Thus, this claim describes an exercising and sports conditioning mat which assists in the correct performance of exercise routines to contribute toward maximizing their benefit while minimizing the likelihood of injury because of the impact of landing after jumping.

In this respect, the weight, size and materials from which the mat are constructed are recited. In particular, the mat is described as having an intermediate layer which is comprised of shock absorbing material and which has a quick recovery memory. The importance of these features have been explained at length in the specification and have been re-explained in the earlier part these Remarks.